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Department of Health Board of Medical Examiners

Public Hearing—Substantive Changes to Proposed Rules
Genetic Counselors, Licensure, Certification and Practice
(LAC 46:XLV, Chapters 38 and 60)

The Louisiana State Board of Medical Examiners (the “board”) published a Notice of Intent to adopt rules for genetic counselors in the December 20, 2018, edition of the *Louisiana Register* (LR 43:2312-2323). The notice solicited comments. Comments were received in writing. As a result of its consideration of the comments received during its meeting on February 11, 2019, the board elected to make substantive changes to the proposed rules in the following respects:

(i) in 3803A. definition of Collaborative Practice Agreement, after the words genetic counselor to add the words, “who engages in any of the functions listed in §6021 of these rules,”;

(ii) in 3821C.6. to delete the words if currently known;

(iii) in 3821C.7., after the words he or she will not to delete the words practice genetic counseling and add the words “order or select laboratory tests or other evaluations regarding hereditary or carrier conditions (or other testing related to the practice of genetic counseling)”;

(iv) after 3841A. to add “B. A license issued under this Chapter shall designate whether an applicant's practice includes those functions listed in §6021B.1 of these rules and may be verified on the Board’s web page.”;

(v) in 6021A. after the words *A genetic counselor* to add the words “who engages in any of the functions listed in §6021B.1 of this Section”;

(vi) in 6021B.1 after the words genetic counselor’s performance of to add the words “each of the following functions”;

(vii) after 6021D. to add “E. A collaborative practice agreement is not required for a genetic counselor who does not engage in any of the functions listed in §6021B.1 of this Section.”;

(viii) in 6023A.1 delete the word practice and in its place the words “engage in any of the functions listed in §6021B.1.”; and

(ix) in 6025A. after the words a genetic counselor add the words “, who has a CPA with a collaborating physician.”. As substantively amended, these provisions will read as set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 38. Genetic Counselors

Subchapter A. General Provisions

§3803. Definitions

A. As used in this Chapter, unless the context clearly states otherwise, the following terms and phrases shall have the meanings specified.

* * *

Collaborative practice agreement or *CPA*—a document established by a genetic counselor, who engages in any of the

functions listed in §6021 of these rules, and a physician which governs the professional relationship between the genetic counselor and the physician.

* * *

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter C. Application

§3821. Application Procedure

A. - B. ...

C. An application for licensure under this Chapter shall include:

1. - 5. ...

6. the name, primary practice location and contact information of a collaborating physician;

7. attestation by the applicant certifying that he or she will not order or select laboratory tests or other evaluations regarding hereditary or carrier conditions (or other testing related to the practice of genetic counseling) in this state in the absence of a collaborative practice agreement conforming to the requirements of §6021 of these rules; and

C.8. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270, 37:1277 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter E. Licensure Issuance, Termination, Renewal, and Reinstatement

§3841. Issuance of License

A. ...

B. A license issued under this Chapter shall designate whether an applicant's practice includes those functions listed in §6021B.1 of these rules and may be verified on the Board’s web page.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR

Part XLV. Medical Professions

Subpart 3. Practice

Chapter 60. Genetic Counselors

Subchapter C. Eligibility; Requirements of Collaborative Practice Agreement, Authority and Limitations, Obligations and Responsibility and Required Information

§6021. Collaborative Practice Agreement; Requirements; Annual Review and Signature

A. A genetic counselor who engages in any of the functions listed in §6021B.1 of this Section shall enter into a collaborative practice agreement with a physician who agrees to work with and provide medical support to the genetic counselor.

B. The CPA shall be set forth in a formal document that memorializes the relationship between the genetic counselor and CP and, at a minimum:

1. establish the criteria governing the genetic counselor’s performance of any of the following functions:

B.1.a. - D. ...

E. A collaborative practice agreement is not required for a genetic counselor who does not engage in any of the functions listed in §6021B.1 of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6023. Authority and Limitations of Genetic Counselors

A. A genetic counselor shall not:

1. engage in any of the functions listed in §6021B.1. without a current collaborative practice agreement with a collaborating physician, as defined or provided in this Chapter;

A.2. - B.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6025. Obligations and Responsibilities

A. It shall be the mutual obligation of a genetic counselor, who has a CPA with a collaborating physician, and collaborating physician to:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

No fiscal or economic impact will result from the amendments proposed in this notice.

Public Hearing

In accordance with R.S. 49:968(H)(2), the board gives notice that a public hearing to receive comments and testimony on these substantive changes to the rule amendments originally proposed will be held on Thursday, May 30, 2019, at 9 a.m., in the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana 70130. Interested persons may submit written comments on these proposed substantive changes to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., May 21, 2019.

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Executive Director